



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,161	10/02/2001	Steven Wahlbin	5053-46912	9581

7590 03/23/2006
ERIC B. MEYERTONS
CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

GOTTSCHALK, MARTIN A

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,161

Applicant(s)

WAHLBIN ET AL.

Examiner

Martin A. Gottschalk

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 753-801 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 753-801 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/28/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/12/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. Claims 753-801 have been examined. Claims 1-752 and 802-844 have been cancelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 753-771, 776-779, 786, 787, and 794 are rejected under 35 U.S.C. 102(b) as being anticipated by Borghesi et al (US Pat# 5,950,169).

- A. As per claim 753, Borghesi discloses a method, comprising:

providing claim data regarding a vehicle accident to a computer system via a graphical user interface (Borghesi: col 3, lns 5-11; col 4, ln 64 to col 5, ln 5);

providing data regarding at least one vehicle involved in the vehicle accident to the computer system via the graphical user interface (Borghesi: col 4, ln 64 to col 5, ln 5);

providing an assessment of the vehicle accident to the computer system via the graphical user interface (Borghesi: col 4, ln 64 to col 5, ln 25);

and

storing the claim data regarding the vehicle accident, the data regarding at least one vehicle involved in the vehicle accident, and the assessment of the vehicle accident in a memory associated with the computer system (Borghesi: col 5, ln 26-35).

B. As per claim 754, Borghesi discloses the method of claim 753, further comprising

displaying a consultation report via the graphical user interface (Borghesi: col 6, lns 6-30, i.e. display of stored "replacement costs" is a type of consultation report.).

C. As per claim 755, Borghesi discloses the method of claim 754, wherein the consultation report comprises

the claim data, the data regarding the at least one vehicle, and the assessment (Borghesi: col 4, ln 47 to col 5, ln 5).

Art Unit: 3626

D. As per claim 756, Borghesi discloses the method of claim 754, wherein the consultation report comprises

a range of liability for an insured party involved in the vehicle accident (Borghesi: col 9, Ins 34-42, i.e. display of "inspection information" is a type of consultation report and range of liability reads on "policy information includes...type of coverage...deductible amount...").

E. As per claim 757, Borghesi discloses the method of claim 753, wherein the claim data comprises

policy data (Borghesi: col 9, Ins 34-42, reads on "policy information includes...type of coverage...deductible amount...").

F. As per claim 758, Borghesi discloses the method of claim 753, wherein the claim data comprises

policy data,

and

Art Unit: 3626

wherein the policy data comprises a claim number, a policy number, policy limits, or policy dates (Borghesi: col 9, Ins 34-42, reads on "policy information includes...type of coverage...deductible amount...").

G. As per claim 759, Borghesi discloses the method of claim 753, wherein the claim data comprises

information regarding parties involved in the vehicle accident (Borghesi: col 4, Ins 47-63; col 9, Ins 43-50).

H. As per claim 760, Borghesi discloses the method of claim 759, wherein the parties comprise

an insured party and a claimant party (Borghesi: col 4, Ins 47-63; col 9, Ins 43-50).

I. As per claim 761, Borghesi discloses the method of claim 759, wherein the parties comprise

one or more witnesses (Borghesi: col 4, Ins 47-63; col 9, Ins 43-50).

Art Unit: 3626

J. As per claim 762, Borghesi discloses the method of claim 759, wherein the information regarding the parties involved in the vehicle accident comprises

a description of the vehicle accident provided by at least one of the parties

(Borghesi: col 4, Ins 47-63, reads on "...statements from those at the scene...";

col 9, Ins 43-50).

K. As per claim 763, Borghesi discloses the method of claim 753, wherein the claim data comprises

a location (Borghesi: col 4, Ins 47-63, reads on "...information that details the

loss..." and "...statements from those at the scene..."), a date, and a time of the

vehicle accident (Borghesi: col 9, Ins 47-50).

L. As per claim 764, Borghesi discloses the method of claim 753, wherein the claim data comprises

who reported the vehicle accident, to whom the vehicle accident was reported,

and whether police were called (Borghesi: col 9, Ins 18-32. The Examiner notes

that a report to an insurance company routinely includes whether or not the

police were involved.).

Art Unit: 3626

M. As per claim 765, Borghesi discloses the method of claim 753, wherein the claim data comprises

content of a police report regarding the vehicle accident (Borghesi: col 4, lns 47-63. The Examiner notes that the claim information provided in the cited passage would closely mirror the content of an associated police report.)

N. As per claim 766, Borghesi discloses the method of claim 753, wherein the claim data comprises

whether there were injuries in the vehicle accident (Borghesi: col 2, 50-52).

O. As per claim 767, Borghesi discloses the method of claim 753, wherein the claim data comprises

a jurisdiction in which the vehicle accident occurred (Borghesi: col 4, lns 47-63, reads on "...necessary information for field processing of insurance claims.").

P. As per claim 768, Borghesi discloses the method of claim 767, wherein the jurisdiction comprises

Art Unit: 3626

a state or a territory of the United States (Borghesi: col 4, Ins 47-63, reads on "...necessary information for field processing of insurance claims.").

Q. As per claim 769, Borghesi discloses the method of claim 753, wherein the claim data comprises

a number of vehicles involved in the vehicle accident (Borghesi: col 4, Ins 47-63, reads on "...necessary information for field processing of insurance claims.").

R. As per claim 770, Borghesi discloses the method of claim 753, wherein the data comprises

a type of the at least one vehicle involved in the vehicle accident (Borghesi: col 4, Ins 47-63, reads on "vehicle...year, make, model...").

S. As per claim 771, Borghesi discloses the method of claim 770, wherein the type of the at least one vehicle is

an automobile or a light truck (Borghesi: col 2, Ins 50-54).

T. As per claim 776, Borghesi discloses the method of claim 753, wherein the assessment of the vehicle accident comprises

an impact point of the at least one vehicle involved in the vehicle accident
(Borghesi: col 12, Ins 29-36, reads on “damage location”).

U. As per claim 777, Borghesi discloses the method of claim 776, wherein the
impact point is

represented graphically (Borghesi: col 12, Ins 29-36, reads on “illustration”).

V. As per claim 778, Borghesi discloses the method of claim 776, wherein the
impact point is selected from the group consisting of

right front corner,

right front fender (Borghesi: col 12, Ins 59-67, reads on “...main parts groups
such as...fender...”. The Examiner notes that a parts group involving a fender
would include all of a cars possible fenders which would include the right front
fender.)

right middle,

right rear quarter-panel,

right rear corner,

rear middle,

left rear corner,

left rear quarter-panel,

left middle,

left front fender,

left front corner,

and

front middle.

W. As per claim 779, Borghesi discloses the method of claim 753, wherein the assessment of the vehicle accident comprises

Art Unit: 3626

a description of the vehicle accident (Borghesi: col 4, Ins 47-63, note
“... statements from those at the scene...”).

X. As per claim 786, Borghesi discloses the method of claim 753, wherein the
assessment of the vehicle accident comprises

an assessment of a condition of the at least one vehicle involved in the accident
(Borghesi: col 5, Ins 11-15, reads on “damage estimate”).

Y. As per claim 787, Borghesi discloses the method of claim 786, wherein the
condition comprises

defective equipment (Borghesi: col 5, Ins 11-15, reads on “...repairs necessary
to bring the vehicle back to its previous state.”).

Z. As per claim 794, Borghesi discloses the method of claim 753, wherein the
assessment of the vehicle accident comprises

a determination of whether the at least one vehicle involved in the vehicle
accident was defective (Borghesi: col 5, Ins 11-15, reads on “...repairs necessary
to bring the vehicle back to its previous state.”).

Art Unit: 3626

AA. As per claims 800 and 801, they are system and computer-executable program instruction claims which repeat the same limitations of claims 753, the corresponding method claim, as a collection of elements and program instructions as opposed to a series of process steps. Since the teachings of Borghesi disclose the underlying process steps that constitute the methods of claims 753, it is respectfully submitted that they provide the underlying structural elements and program instructions that perform the steps as well. As such, the limitations of claims 800 and 801 are rejected for the same reasons given above for claims 753.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3626

6. Claims 772-775, 780-785, 788-793 and 795-799 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi as applied to claim 753 above, and further in view of Hall (US Pat# 6,223,125).

A. As per claim 772, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a graphical representation of an accident type (Hall: col 7, lns 52-58; col 16, lns 8-10; Fig 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Borghesi to include these limitations, as taught by Hall, with the motivation of providing documentation to help assess liability (Hall; col 5, lns 15-17) for claim settlement.

Note: For the remaining claim rejections, the motivation to combine the teachings of Borghesi and Hall is the same as provided here for claim 772, and is to be considered incorporated therein.

B. As per claim 773, Borghesi discloses the method of claim 772, wherein the accident type is selected from the group consisting of

a rear ender (Hall: col 20, lns 54-59),

a left turn crossing traffic,

a left turn across traffic,

a left turn entering traffic,

a right turn entering traffic,

dual turns to same lane,

concurrent left turns,

a U-turn,

a parked vehicle merging into traffic from right,

Art Unit: 3626

a parked vehicle merging into traffic from left,

a merge from left, a merge from right,

concurrent merges to a single lane,

a collision with a parked vehicle,

a collision while backing,

a head on,

and

a straight cross traffic collision.

a roadway configuration (Hall: col 7, lns 52-58),

C. As per claim 774 Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

method of claim 753, wherein the assessment of the vehicle accident comprises

a graphical representation of a roadway configuration at a location of the vehicle accident (Hall: col 7, lns 52-58; Fig 7).

D. As per claim 775, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 774, wherein the roadway configuration is selected from the group consisting of

a two or more lane road,

a divided road with a median that can be crossed,

a four-way intersection,

a T-angle intersection,

a merging of one roadway into another (Hall: col 19, lns 8-16; Fig 19),

Art Unit: 3626

a curve,

a parking lot with two-way traffic,

a parking lot with one way traffic,

a center turn lane,

and

a two or more lane road divided by a physical barrier.

E. As per claim 780, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

environmental conditions at a location of the vehicle accident (Hall: col 2, ln 66 to col 3, ln 9).

Art Unit: 3626

F. As per claim 781, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 780, wherein the environmental conditions comprise a

construction zone (Hall: col 2, ln 66 to col 3, ln 9),

an obstructed view or glare,

a road condition,

a road character,

a road defects,

a defective traffic control,

or

visibility.

Art Unit: 3626

G. As per claim 782, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a condition of a driver of the at least one vehicle involved in the vehicle accident (Hall: col 3, lns 21-37, reads on "...hurried and distracted motorists...").

H. As per claim 783 Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 782, wherein the condition of the driver comprises

an effect of alcohol,

illicit drugs,

prescription drugs,

driver inattention (Hall: col 3, lns 21-37, reads on "...hurried and distracted motorists..."),

corrective lenses,

driver inexperience,

driver fatigue,

or

driver illness.

I. As per claim 784, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises human actions (Hall: col 2, ln 66 to col 3, ln 21).

Art Unit: 3626

J. As per claim 785, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 784, wherein the human actions comprise

following too closely,

driving with headlights off,

driving at an unsafe speed (Hall: col 2, ln 66 to col 3, ln 21),

a sudden stop or swerve,

a failure to take evasive action,

driving with high beams on,

an improper lane change,

improper parking,

Art Unit: 3626

or

improper signaling.

K. As per claim 788, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a speed limit at a location of the vehicle accident (Hall: col 2, ln 66 to col 3, ln 21).

L. As per claim 789, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

Art Unit: 3626

a speed of the at least one vehicle involved in the vehicle accident (Hall: col 2, ln 66 to col 3, ln 21).

M. As per claim 790, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

identification of traffic controls at a location of the vehicle accident (Hall: col 7, lns 49-58).

N. As per claim 791, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 790, wherein the traffic control is selected from the group consisting of

a red light (Hall: col 7, lns 49-58),

Art Unit: 3626

a yellow light,

a green light,

a left turn arrow,

a right turn arrow,

a stop sign,

a yield sign,

a flashing red light,

a flashing yellow light,

a police officer signaling stop,

a police officer signaling proceed,

a crossing guard signaling proceed,

Art Unit: 3626

a crossing guard signaling stop,

a flagger signaling proceed,

a flagger signaling stop,

another person signaling proceed,

another person signaling stop,

an emergency vehicle,

and

a school bus.

O. As per claim 792, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether traffic control devices were obeyed by the at least one vehicle involved in the vehicle accident (Hall: col 7, lns 49-58).

P. As per claim 793, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether traffic controls were defective at a location of the vehicle accident (Hall: col 13, lns 25-37).

Q. As per claim 795, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

Art Unit: 3626

a determination of whether roadway debris was present at a location of the vehicle accident (Hall: col 22, lns 2-27, reads on "...deactivation of Vehicle Restrictors...").

R. As per claim 796, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether roadway defects were present at a location of the vehicle accident (Hall: col 22, lns 2-27, reads on "...deactivation of Vehicle Restrictors...").

S. As per claim 797, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

Art Unit: 3626

a determination of whether there was a child in the at least one vehicle involved in the vehicle accident (Hall: col 3, Ins 22-37; col 14, Ins 15-43).

T. As per claim 798, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

a determination of whether the at least one vehicle involved in the vehicle accident were engaged in commercial use at a time of the vehicle accident (Hall: col 16, Ins 20-38).

U. As per claim 799, Borghesi fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Hall who discloses

the method of claim 753, wherein the assessment of the vehicle accident comprises

Art Unit: 3626

a determination of whether occupants in the at least one vehicle involved in the vehicle accident were wearing seatbelts (Hall: col 7, Ins 16-20, reads on "...integrates...to the standard safety systems...").

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art discloses a system for the assessment of real or theoretical accident scenarios (US Pat#s 6,381,561 and 5,483,442).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin A. Gottschalk whose telephone number is (571) 272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MG
03/17/2006



C. LUKE GILLIGAN
PATENT EXAMINER